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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,944	09/27/2001	Robert A. Dunstan	42390P11892	5051
8791	7590	07/27/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			TRAN, NGHI V	
		ART UNIT		PAPER NUMBER
				2151

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/966,944	DUNSTAN, ROBERT A.	
	Examiner Nghi V. Tran	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05/09/2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14, 16-22, 24, 26, 28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14, 16-22, 24, 26, 28, and 30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

1. This office action is in response to the amendment filed on May 25, 2006. Claims 1, 6, 13, 18, 24, 26, 28 and 30 have been amended. Claims 23, 25, 27, and 29 have been canceled. Therefore, claims 1-14, 16-22, 24, 26, 28, and 30 are presented for further examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 and 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng, U.S. Patent Application Publication No. 2002/0078161 (hereinafter Cheng), in view of Ayyagari et al., U.S. Patent Application Publication No. 2001/0033554 (hereinafter Ayyagari).

4. With respect to claims 1, 6, 13, 18, and 23-30, Cheng teaches an apparatus [fig. 1 and see abstract] comprising: an electronic device [i.e. UPnP controller (UCP) 120] for coupling to a home network system [figs. 1-2], the electronic device having a memory device, the memory device contains a remote location's complete address [i.e. IP

address] to a page storing one of control and characteristic information for the electronic device, one of the control and the characteristic information is retrieved from the remote location if the home network system does not have the one of control and the characteristic information stored [paragraphs 0019 and 0025-0033].

However, Cheng does not explicitly show the home network system achieves plug-n-play like operability for the electronic device without using a plug and play protocol.

In a communication apparatus, Ayyagari suggests the home network system achieves plug-n-play like operability for the electronic device without using a plug and play protocol [i.e. implementing a universal plug and play functionality on a Bluetooth protocol stack without providing support for IP, see claim 14].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cheng in view of Ayyagari by achieving plug-n-play operability using a plug and play protocol because this feature is capable of communication with each other in lack IP support [Ayyagari, paragraph 0047]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to use services in addition to discovering and announcing availability of services [Ayyagari, paragraph 0049].

5. With respect to claims 2, 8, and 16, Cheng further teaches the complete address includes one of a complete uniform resource locator (URL) and a complete Internet protocol (IP) address to a specific page for the electronic device [paragraph 0027].

6. With respect to claims 3 and 8, Cheng further teaches the electronic device's characteristics and control information is maintained at the remote location [fig.1 and paragraphs 0028-0030].

7. With respect to claims 4 and 10, Cheng further teaches the electronic device is a consumer electronic (CE) device [120 i.e. UPnP controller].

8. With respect to claims 5 and 12, Cheng further teaches the electronic device transmits the complete device identification information [paragraph 0066 i.e. a service identification] on a device specific bus [205] when coupled to the device specific bus [figs.1-2 and paragraphs 0008-0009].

9. With respect to claim 7, Cheng further teaches a central processing device [130 i.e. file server] coupled to the home network; a central memory device coupled to the central processing device; and a display coupled to the central processing device [paragraphs 0040-0058].

10. With respect to claim 11, Cheng further teaches the remote network is one of the Internet and an Intranet [paragraphs 0008-0009].

11. With respect to claims 14 and 19, Cheng further teaches using the device's characteristic information to control the device; determining whether the stored characteristic information needs to be updated; and replacing the stored characteristic information with new characteristic information if the stored characteristic information needs to be updated [paragraphs 0018-0030].

12. With respect to claims 17 and 22, Cheng further teaches displaying information on a display device [fig.1 and paragraphs 0004-0007].

### ***Response to Arguments***

13. Applicant's arguments filed May 09, 2006 have been fully considered but they are not persuasive because of the following: Cheng teaches an apparatus [fig.1 and see abstract] comprising: an electronic device [i.e. UPnP controller (UCP) 120] for coupling to a home network system [figs.1-2], the electronic device having a memory device, the memory device contains a remote location's complete address [i.e. IP address] to a page storing one of control and characteristic information for the electronic device, one of the control and the characteristic information is retrieved from the remote location if the home network system does not have the one of control and the characteristic information stored [paragraphs 0019 and 0025-0033]. However, Cheng does not explicitly show the home network system achieves plug-n-play like operability for the electronic device without using a plug and play protocol. In a communication apparatus, Ayyagari suggests the home network system achieves plug-n-play like operability for

the electronic device without using a plug and play protocol [i.e. implementing a universal plug and play functionality on a Bluetooth protocol stack without providing support for IP, see claim 14]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cheng in view of Ayyagari by achieving plug-n-play operability using a plug and play protocol because this feature is capable of communication with each other in lack IP support [Ayyagari, paragraph 0047]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to use services in addition to discovering and announcing availability of services [Ayyagari, paragraph 0049].

14. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as show in the above.

15. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cheng in view of Ayyagari by achieving plug-n-play operability without using a plug and play protocol because this feature is capable of communication with each other in lack IP support [Ayyagari, paragraph 0047]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to use services in addition to discovering and announcing availability of services [Ayyagari, paragraph 0049].

16. In response to applicant's argument that Ayyagari does not teach, disclose, or suggest "the home network system achieves plug-n-play like operability for the electronic device without using a plug and play protocol." The examiner respectfully does not agree because Ayyagari suggests the home network system achieves plug-n-play like operability for the electronic device without using a plug and play protocol [i.e. implementing a universal plug and play functionality on a Bluetooth protocol stack without providing support for IP, see claim 14]. For example, Ayyagari suggests that implementing a universal plug and play functionality on a Bluetooth protocol stack without providing support for IP [see claim 14]. Ayyagari discloses that UPnP device are used by Bluetooth protocol [Ayyagari, fig.5 and paragraphs 0053 and 0056-0057]. Off course, Bluetooth protocol is definitely not a plug and play protocol.

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17. Therefore, the examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims. Claims 2-5, 7-12, 14, 16-17, 19-22, 24, 26, 28, and 30 are rejected at least by virtue of their dependency on independent claims 1, 6, 13, and 18 and by other reasons set forth above. Accordingly, claims 1-5, 6-12, 13-14, 16-22, 24, 26, 28, and 30 are respectfully rejected as shown above.

***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran  
Patent Examiner  
Art Unit 2151

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